

Application No. 10/585,697
Amendment Dated October 4, 2011
Reply to Office Action of June 7, 2011

REMARKS

The Office Action mailed June 7, 2011 has been carefully considered by the Applicant. Reconsideration is respectfully requested.

Priority

The Examiner has again objected to the Applicant's claim for foreign priority, however he has not addressed the explanation presented in the Applicant's previous response. On page 2 of the Office Action, the Examiner states: "The Examiner will note that it appears that Applicant filed the papers, however, they were either not properly identified or not properly filed and therefore, while the U.K. application is in the file, it is not properly identified as foreign priority papers."

The fact is that the Applicant did not submit the foreign priority papers in the present U.S. application. The foreign priority papers were properly provided to the USPTO by the International Bureau, in accordance with standard PCT national phase processing. The USPTO confirmed receipt of the priority documents, as evidenced by the attached U.S. national stage worksheet from the online file history for this application. Also attached is the standard USPTO form clearly indicating that the priority document was properly made available under the Patent Cooperation Treaty. This document shows the priority documents and shows there is no "problem with these papers", contrary to the Examiner's statement. It is in fact the Applicant's responsibility to provide the priority documents; however, this was done through the International Bureau, per standard PCT practice. It is not the Applicant's responsibility to again provide this information to the USPTO during national stage processing.

Withdrawal of the objection to the priority claim is respectfully requested.

Claim Rejections Under 35 U.S.C. §103

Claims 35, 37, 38, 41, 44-55, 57, 59, 63 and 65-73 have been rejected as being unpatentable over Sim U.S. Patent No. 6,529,786. Independent claims 35 and 57 are hereby amended to further distinguish over the prior art, including Sim '786.

Claim 35

The Examiner sets forth his rejection of claim 35 in a single run-on paragraph on page 3 of the Office Action. This paragraph misquotes the claim language and in general it is very difficult for the undersigned attorney to understand how the Examiner is reading the language of the claims onto Sim '786. For example, the Examiner refers to "registration means" and "an information carrier/mobile personal communicator", which are not recited in the claims. If the Examiner maintains his rejections based upon the prior art, it is respectfully requested that he more particularly point out his reading of the claims, including providing an explanation of how Sim '786 discloses each and every element of claim 35. This is especially because it appears that the Examiner is utilizing hindsight to select various passages from Sim '786, some connected and some disconnected, to piece together the combination of claim 35. This of course is impermissible and does not support a *prima facie* case of obviousness.¹

Claim 35 is amended to recite, among other things:

- 1) a mobile telephone having an address;
- 2) a registration pack having (A) an information carrier having a printed registration code indicating group size and (B) a set of ID tag elements, one for each member of the group, which include wristbands having scannable labels including ID values for identifying the members of the group. The registration code and the ID values are associated.
- 3) interface means for enabling communications with the mobile telephone;
- 4) a processor receiving communications from the mobile telephone network;
- 5) means for storing the registration record; and
- 6) an Access control apparatus.

The configuration of the processor and interface means is also recited in detail in combination with the above elements.

Firstly, it is clear that Sim '786 does not disclose a *mobile telephone having an address*. Secondly, the Examiner mis-applies single elements of Sim '786 onto multiple, separate elements of

¹ The Examiner must consider claim 35 as a whole, rather than picking and choosing amongst various structures in the art to assemble the combination. "It is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious. *In re Fritch*, 972 F.2d 1260, 23 USPQ 2d 1780, 1784 (Fed. Cir. 1992).

claim 35. For example, Sim '786 discloses a "portable module 1", which is distributed to each member of a group that intends to use a plurality of services in for example a theme park. The portable module includes a memory having a unique identification code, an indicator, and a transmitter for transmitting the identification code over a short range. The module is also docked at a docking means for downloading the identification code. On page 3 of the Office Action, the Examiner appears to indicate that the claimed *information carrier* equates to the "portable module 1" of Sims '786. However later on, the Examiner also indicates that the claimed *set of ID tag elements* equates to the "portable module 1" of Sim '786. Further, the Examiner conveniently misreads claim 35 as reciting "at least one ID tag". This is not the case. Claim 35 actually requires a set of ID tag elements. Clearly, this is not disclosed in Sim '786.

The combination recited in claim 35 must be considered as a whole. Claim 35 requires in combination the *mobile telephone* and the *registration pack*. Within the registration pack is *the information carrier* and *a set of ID tag elements, one for each member of the group*. It is incorrect for the Examiner to read the "portable module 1" of Sim '786 onto all of these elements, which are claimed as separate elements. Whereas Sim '786 requires a portable module 1 for each member of the group, the system of claim 35 allows for a single member of the group to carry the *mobile telephone* and each member of the group to carry the *registration pack*.

Claim 35 further recites the characteristics of the *processor*, which are simply not disclosed in Sim '786. The system of Sim '786 does not receive communications from a mobile telephone via a mobile telephone network, and is not responsive to the communication including the address and registration code for generating a registration record for the group representing the group size, the ID values and the address. In addition, the "portable module 1" of Sim '786 is not configured to provide a *communication* that specifies *the selection of a respective service amongst the plurality of services to enter the group into a virtual queue for the respective service*. In contrast, the portable module 1 is a simple ID transmitter, which does not allow for such input.

The combination of claim 35 is in fact an extremely effective and efficient queue management system, which is simple and inexpensive to implement and represents a significant advancement over the prior art. The use of expensive specialized radio communication equipment, such as the portable module in Sim '786, is avoided, and registration packs for monitoring and

controlling the groups can be inexpensively produced while reliably and easily utilized. The printed registration code on the information carrier is a visual code readily transmitted over a mobile telephone using the telephone keypad, and the tag elements are simple wrist straps bearing scannable labels, which can be presented to a visual scanner of access control apparatus at the selected service for evaluating whether the group should be permitted access or not. This entire combination provides an effective and inexpensive queue management system not requiring substantial investment in electronic equipment and capable of reliably controlling queues.

In one example, the only items that need to be produced for the claimed system beyond employing the computer technology that is appropriately designed and programmed are the registration packs including a printed information carrier and ID tabs bearing scannable labels with bar codes. This is a significant improvement over the prior art. Applicant's system is an elegant solution, robust against abuse, easy to operate and economical to run. Sim '786, by contrast, requires specialist electronic equipment in the form of portable modules, which are expensive to produce, prone to failure, and require more sophisticated, inexpensive and problematic group monitoring equipment and scanning systems for group access control at services.

The Examiner's broad brush statement that "mobile telephone networks are old and well known in the art, therefore it would be obvious to one of ordinary skill in the art to use a mobile telephone network as Sim does teach using wireless communication" is insufficient and does not properly support the intended rejection. As stated above, it is completely unclear how the Examiner is reading the claim to cover each of the separate elements set forth therein. The claimed combination including, among other things, the *mobile telephone*, the *registration pack* having the *information* and *set of ID tag elements, one for each member of the group*, is simply not disclosed in the prior art. The concept of having a single communication device, such as the claimed mobile telephone in conjunction with the registration pack having separate ID tag elements for each member of the group, along with the claimed processor configuration is not at all disclosed or rendered obvious by Sim '786.

Allowance of claim 35 is thus respectfully requested.

Claims 37, 38, 41 and 44-55

Claims 37, 38, 41 and 44-55 depend from claim 35 and are thus believed allowable at least for the reasons stated above.

Claim 57

Claim 57 recites a *method of queue management for managing access to a plurality of services for a group of people by way of a mobile telephone and for controlling the movement of the group through queue lines for said services*. The steps set forth in claim 57 mirror the basic combination set forth in claim 35. These steps are therefore not at all disclosed in Sims '786.

It appears that the Examiner attempts to address claim 57 on page 3 of the Office Action; however, his analysis is abbreviated and incomplete. The Examiner does not even refer to method steps in his analysis and clearly has not shown any of the elements of claim 57 in the prior art. As such, he has not set forth a *prima facie* case of obviousness.

Claim 57 is also allowable for the reasons stated above regarding claim 35, which are incorporated herein. Many of the elements of claim 57, as stated above regarding claim 35, are not found in Sim '786 and the Examiner's high-level approach to the rejection is not enough.

Claims 59, 63 and 65-73

Claims 59, 63 and 65-73 depend from claim 57 and are thus believed allowable at least for the reasons stated above.


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Conclusion

The present application is thus believed in condition for allowance. Such action is respectfully requested.

Respectfully submitted,

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